

**Statement of  
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**Before the  
Subcommittee on National Security, Emerging Threats, and International Relations  
Committee on Government Reform  
United States House of Representatives**

**Concerning  
Homeland Security: Surveillance and Monitoring  
of Explosive Storage Facilities, Part II**

**Presented on  
October 31, 2005**

Thank you, Mr. Chairman, Mr. Lantos, and members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss the report by the Government Accountability Office on thefts of explosives from State and local government storage facilities. I hope to provide you with an understanding of how the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") can assist in the protection of these facilities.

As discussed during this Subcommittee's August 2004 hearing, the ATF enforces Federal explosives laws and regulates commerce in explosives. The ATF also is responsible for regulating most explosives storage facilities in the United States. The ATF's regulatory authority over explosives extends back to the Organized Crime Control Act of 1970. This statute imposed controls over the manufacture, distribution, importation, and storage of explosives, and gave the ATF enforcement responsibility for these controls. The Safe Explosive Act, enacted in 2002, expanded ATF authority to

require permits for persons who receive explosives and background checks for all licensees and permittees and their employees who possess explosives.

Federal explosives laws require all persons who store explosives to comply with applicable storage regulations, except for Federal agencies. With respect to private entities, the ATF's authority to inspect explosives storage facilities is related to its authority to regulate licensees and permittees. The ATF has warrantless inspection authority only for persons who hold a Federal license or permit.

State and local governmental entities are required to comply with the Federal storage regulations, but there is no statutory mechanism in place to ensure this compliance. Because these entities are not required to obtain a Federal permit, the ATF does not have statutory authority to conduct inspections at their storage facilities.

Despite the fact that the ATF cannot conduct mandatory inspections of State and local law enforcement storage facilities, the ATF can and does conduct voluntary inspections at these facilities. During fiscal year 2005, the ATF conducted 102 voluntary inspections of explosives storage facilities or magazines operated by State and local government agencies.

There are approximately 12,100 Federal explosives licensees and permittees in the United States. Roughly 7,500 of these licensees and permittees have explosives storage locations, which include 7,848 permanent and 14,943 mobile storage magazines. Under the Safe Explosives Act, the ATF generally is required to conduct an on-site inspection of an applicant's storage facilities prior to issuance of a Federal explosives

license or permit. The ATF also is required to inspect storage facilities at least once every 3 years after issuance of a license or permit.

During fiscal year 2005, the ATF conducted 3,786 inspections of Federal licensees and permittees, and resolved 1,821 recordkeeping and storage violations. To put these inspections in context, the ATF currently oversees approximately 118,000 firearms and explosives licensees nationwide. The ATF has 781 industry operations investigators who regularly conduct both explosives and firearms inspections.

Turning to explosives theft or loss reporting, the law requires that any person who has knowledge of theft or loss of explosive material from his or her stock must report that theft or loss to the ATF within 24 hours of discovery. In an effort to keep explosives out of the hands of those who would use them for criminal or terrorist activity, it is the ATF's policy to investigate all reported thefts of explosives.

The GAO report on explosives thefts concluded that the ATF would be better able to monitor and respond to incidents of missing or stolen explosives if the ATF clarified the Federal theft reporting requirements to ensure that all persons who store explosives -- including State and local government agencies -- understood their obligation to report all thefts or missing explosives to the ATF within 24 hours of discovery. The ATF has made numerous efforts to comply with this recommendation.

First, in conjunction with the ATF, the National Bomb Squad Commanders Advisory Board and the International Association of Bomb Technicians and Investigators sent a letter dated April 19, 2005, to each State and local bomb squad commander, urging

each of them to ensure that all bomb squad explosives facilities were as secure as possible in order to prevent unauthorized access. In the letter, among other things, bomb squads were urged to ensure that their storage facilities were in compliance with Federal law. They were asked to conduct a realistic assessment of the adequacy of current security measures; to ensure that they maintained complete, accurate, and current explosives inventories; and, to examine the quantity of explosives stored and ensure that the amount of explosives stored was consistent with their particular needs. They also were asked to assist the ATF in gathering information on all law enforcement magazines currently in use and to participate in the ATF's voluntary magazine inspections.

Second, on August 16-17, 2005, the ATF conducted presentations on storage requirements to the National Bomb Squad Commanders Conference, in Anniston, Alabama. On September 24, 2005, ATF conducted a similar presentation at the International Association of Chiefs of Police Annual Conference in Miami, Florida.

Third, on October 18, 2005, the ATF issued letters of guidance to the Attorneys General of each State, the International Association of Chiefs of Police, the National Association of State Fire Marshals, and the National Sheriff's Association, reminding those individuals and organizations about Federal storage requirements for explosive materials and providing guidance on the timely reporting of lost or stolen explosive materials. In the interest of public safety, the ATF also requested that agencies with magazines storing explosive materials voluntarily report the locations of these magazines to ATF.

Finally, several times a year the ATF trains State and local law enforcement officers and bomb technicians on Federal storage and theft reporting requirements. In fiscal year 2005, the ATF delivered 5 classes to 119 State and local officers and technicians. The ATF anticipates delivering 6 additional classes in fiscal year 2006 that will train roughly 150 new technicians and officers.

Again, Mr. Chairman and Mr. Lantos, I appreciate the opportunity to testify today and share with you the latest information on the ATF's explosives enforcement efforts. We have made progress in making our Nation's communities safer, but we know there is much more to do. We are determined to succeed in our mission of reducing violent crime, preventing terrorism, and protecting the public. I look forward to responding to any questions you may have.